



Patent  
38055.00607.UTL1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Eric Donsky

Application No.: 10/718,498

Filing Date: November 19, 2003

Confirmation No.: 8240

Group Art Unit: 3739

Examiner: TBD

For: SYSTEMS AND METHODS FOR  
MEASURING TEAR FILM  
OSMOLARITY

CERTIFICATE OF MAILING (37 C.F.R. § 1.8)

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'First Class Mail' in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Maria Carvalho

(Name)

July 19, 2004

(Date)

Maria Carvalho  
(Signature)

TRANSMITTAL LETTER

MAIL STOP MISSING PARTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Enclosed are the following documents:

- Response to Notice to File Missing Parts of Nonprovisional Application (3 pgs.);
- Copy of Notice to File Missing Parts of Nonprovisional Application (2 pgs.);
- Executed Declaration from inventor(s) (2 pgs.);
- Recordation Form Cover Sheet (1 pg.);
- Copies of Assignments (2 pgs);
- Grant of Power of Attorney (1 pg);

- Fee Transmittal for FY 2004 (in duplicate);
- Check in the amount of \$1823.00; and
- Return Postcard.

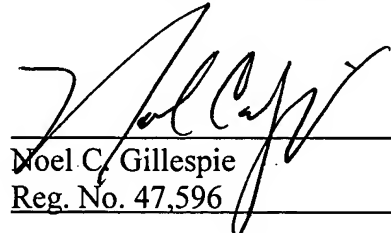
Respectfully submitted,

**PAUL, HASTINGS, JANOFSKY, & WALKER LLP**

Dated: \_\_\_\_\_

14-July-04

By: \_\_\_\_\_

  
Noel C. Gillespie  
Reg. No. 47,596

NCG/mfc

**PAUL, HASTINGS, JANOFSKY, & WALKER LLP**  
**CONFIRMATION NO.: 36183**  
P.O. Box 919092  
San Diego, CA 92191-9092  
Telephone: (858) 720-2500  
Facsimile: (858) 720-2555



Patent  
38055.00007.UTL1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Eric Donsky

Application No.: 10/718,498

Filing Date: November 19, 2003

Confirmation No.: 8240

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Maria Carvalho

(Name) July 19, 2004 (Date)

Maria Carvalho (Signature)

SUBMISSION OF MISSING PARTS AND RELATED APPLICATION PAPERS

MAIL STOP MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Documents Enclosed:

In response to the **NOTICE TO FILE MISSING PARTS OF APPLICATION UNDER 37 CFR 1.53(b)**, which was mailed by the Patent Office on February 19, 2004 enclosed are:

- ☒ Copy of Notice to File Missing Parts of Nonprovisional Application under 37 CFR 1.53(b) (2 pages);
- ☒ Executed Declaration (2 pages);
- ☒ Grant of Power of Attorney (1 page);

07/23/2004 MAHMED1 00000018 10718498

06 FC:2253

475.00 OP

- ☒ Copies of Assignment (2 pages);
- ☒ Recordation Form Cover Sheet (1 page);
- ☒ Check for \$1823.00;
- ☒ Fee Transmittal for FY 2004 (in duplicate); and
- ☒ Return Receipt Postcard.

2. **REQUEST FOR EXTENSION OF TIME:**

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- ☒ Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

	EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input type="checkbox"/>	one month	\$55.00	\$110.00
<input type="checkbox"/>	two month	\$210.00	\$420.00
<input checked="" type="checkbox"/>	three month	\$475.00	\$950.00
<input type="checkbox"/>	four month	\$740.00	\$1,480.00
<input type="checkbox"/>	five month	\$1005.00	\$2,010.00

3. **FILING FEES**

<b>BASIC FILING FEE:</b>			\$770.00
Total Claims	101 - 20 = 81 x \$18.00		\$1458.00
Independent Claims	6 - 3 = 3 x \$86.00		\$258.00
Multiple Dependent Claims	\$280 (if applicable)	<input type="checkbox"/>	\$0.00
Surcharge 37 CFR § 1.16(e)	\$130 (if applicable)		\$130.00
<b>TOTAL OF ABOVE CALCULATIONS</b>			\$2616.00
Reduction by 1/2 for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28.			
		<input checked="" type="checkbox"/>	\$1308.00
Extension of Time (from above)		<input checked="" type="checkbox"/>	\$475.00
Assignment--\$40 (if applicable)		<input checked="" type="checkbox"/>	\$40.00
<b>TOTAL FEES SUBMITTED HEREWITH</b>			\$1823.00

4. **METHOD OF PAYMENT OF FEES:**

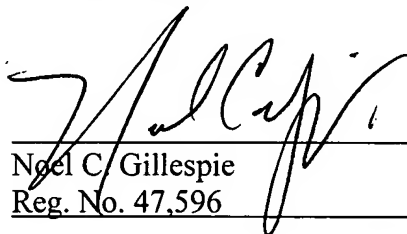
- ☒ Check in the amount of \$1823.00 is enclosed to cover the above fee(s).  
☐ Charge Deposit Account No. **50-2613** in the amount of \$0.00.  
☒ The Commissioner is authorized to charge Counsel's Deposit Account No. **50-2613** for any additional fees required under 37 CFR 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account **50-2613**.

Respectfully submitted,

**PAUL, HASTINGS, JANOFSKY, & WALKER LLP**

Dated: 19-July-04

By:

  
\_\_\_\_\_  
Noel C. Gillespie  
Reg. No. 47,596

NCG/mfc

**PAUL, HASTINGS, JANOFSKY, & WALKER LLP**  
**CONFIRMATION NO.: 36183**

P.O. Box 919092

San Diego, CA 92191-9092

Telephone: (858) 720-2500

Facsimile: (858) 720-2555

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

**FREE TRANSMITTAL**  
**for FY 2004**

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **\$1823.00****Complete if Known**

Application Number	10/718,498
Filing Date	November 19, 2003
First Named Inventor	Eric Donsky
Examiner Name	TBD
Art Unit	3739
Attorney Docket No.	38055.00007.UTL1

**METHOD OF PAYMENT (check all that apply)**
☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
 Deposit  
Account  
Number  
Deposit  
Account  
Name
**50-2613****Paul, Hastings, Janofsky & Walker LLP**

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	\$385.00
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1) (\$)					\$385.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
101	81	\$9.00	\$729.00
Independent Claims	3	\$43.00	\$129.00
Multiple Dependent Claims	0	0	\$858.00

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)**858.00**

\*\* or number previously paid, if greater; For Reissues, see above.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Equity		Small Equity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	\$65.00
1052	50	2052	25	Surcharge - late provisional fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	\$475.00
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(g)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	\$40.00
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$)**580.00****SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Noel C. Gillespie	Registration No (Attorney/Agent)	47,596	Telephone	858-720-2500
Signature				Date	July 19, 2004

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

The collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/718,498	11/19/2003	Eric Donsky	38055.00007.UTL1

36183

PAUL, HASTINGS, JANOFSKY & WALKER LLP  
 P.O. BOX 919092  
 SAN DIEGO, CA 92191-9092



CONFIRMATION NO. 8240

## FORMALITIES LETTER



\*OC000000011933337\*

Date Mailed: 02/19/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$858** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$1308** for a Small Entity

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- \$385** Statutory basic filing fee.
- \$65** Late oath or declaration Surcharge.

01 FC:2001	385.00 OP
02 FC:2051	65.00 OP
03 FC:2202	729.00 OP
04 FC:2201	129.00 OP

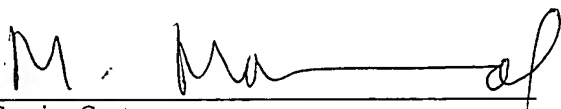
- Total additional claim fee(s) for this application is **\$858**

- \$129 for 3 independent claims over 3.
- \$729 for 81 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

A handwritten signature in black ink, appearing to be "M. Marshall", written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE